KILPATRICK TOWNSEND

James A. Trigg

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Services

Copyright; Intellectual Property; Trademark; International Strategy

Industries

Entertainment, Media & Sports

James Trigg practices in the areas of trademark, copyright and entertainment law. His intellectual property experience includes litigation, licensing, trademark prosecution, and general trademark and copyright counseling. His practice has developed a particular focus on copyright and trademark issues arising in the context of the Internet, including matters implicating the Digital Millennium Copyright Act, domain name disputes and social media. Mr.Trigg has represented major companies, as well as recording artists, in music copyright litigation, and he also has advised an array of entertainers and creators on domestic and international trademark and branding issues. A former professional musician, Mr. Trigg regularly draws on this background when litigating music copyright cases and in negotiating licenses both for artists and for parties desiring to use musical works in advertising and in other contexts.

Mr. Trigg was named by *The Legal 500* as a "Top Regional Copyright Lawyer" in 2007 and he was recommended by *Legal 500 US* in the area of Copyright in 2011 and 2012. Mr. Trigg was recognized in *The Best Lawyers in America*®for Intellectual Property Law in 2013 and the two years immediately preceding. He was also named a 2013 "Atlanta Lawyer of the Year" in the area of Copyright Law by *The Best Lawyers in America*®. Mr. Trigg was recognized as a Georgia "Super Lawyer" in the area of Intellectual Property in 2013 and the three years immediately preceding by *SuperLawyers* magazine. He is listed among *Georgia Trend*'s 2012 "Legal Elite" in the area of Entertainment/Sports Law. Mr. Trigg is AV® rated by Martindale-Hubbell.*

*CV, BV, and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedure's standards and policies.

Experience Highlights

Trademark and right of publicity work for musical group R.E.M.

The firm provides general trademark prosecution and counseling services to the world-renowned musical group, R.E.M. Services include overseeing an international trademark registration portfolio for the group, as well as assisting the band with trademark dispute and enforcement issues.

Advice and Strategy Concerning Use of Pre-1978 Copyrights

The firm advises companies on issues concerning enforcement of rights in copyrighted works created prior to the January 1, 1978 effective date of the 1976 Copyright Act, and concerning work for hire and renewal issues arising from proposed reproduction and distribution of pre-1978 copyrights.

Trademark portfolio management and enforcement for OLIVIA character

The firm counsels Ian Falconer Ink Unlimited Inc., owner of the well-known OLIVIA children's book and television property, on domestic and international trademark portfolio issues, including search clearances, trademark registration, and enforcement.

Cooper v. Sony Music Entertainment Inc., et al.

Defended Sony Music Entertainment Inc., So So Def Productions and other defendants in a series of lawsuits asserting copyright infringement and other claims relating to pre-1972 musical sound recordings. Representation resulted in dismissal of suit and award of defendants' attorneys' fees.

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Cooper v. Sony Music Entm't, Inc., et al., 2002 WL 391693 (S.D. Tex. Feb. 22, 2002).

Copyright infringement defense for LaFace Records

The firm successfully defended LaFace Records and So So Def Productions in a series of lawsuits asserting copyright infringement and other claims relating to pre-1972 musical sound recordings. Representation resulted in dismissal of suit and award of defendants' attorneys' fees.

Fantasy, Inc. v. LaFace Records, 43 U.S.P.Q. 2d 1700 (N.D. Cal. 1997); *Fantasy, Inc. v. LaFace Records*, 43 U.S.P.Q. 2d 1959 (N.D. Cal. 1997); *Fantasy v. LaFace Records*, 49 U.S.P.Q. 2d 1148 (E.D. Cal. 1998).

Music licensing negotiation and advice

The firm drafts and negotiates music copyright licenses and other rights clearances for two major international apparel companies in connection with their use of music in advertising and promotional campaigns.

Trademark clearance and registration for Interface Inc.

The firm advises leading international carpet manufacturer Interface, Inc. on matters involving trademark clearance, trademark portfolio management, and trademark enforcement, as well as providing counsel on copyright and trademark issues arising in the context of online and print media marketing.

Domain name dispute actions for multiple representative clients

The firm represented numerous trademark owners in domain name dispute actions arising under the Anti-Cybersquatting Consumer Protection Act and under the Uniform Domain Name Dispute Resolution Policy. Representative reported decisions include: (1) *The Weather Channel v. Versata Software, Inc.*, WIPO Case No. D2009-0548 (June 23, 2009) (secured transfer of domain name <weatherchannelkids.com>); (2) *Arizona Bd. of Regents v. DNS Admin, Nevis Domains*, WIPO Case No. D2008-1543 (Dec. 9, 2008) (secured transfer of domain name <arizonawildcats.com>); (3) *Willis v. NetHollywood*, WIPO Case No. D2004-1030 (Feb. 17, 2004) (secured transfer of domain name <alleewillis.com>); (4) *Federal Cartridge Co. v. Madmouse Communications*, WIPO Case No. D2001-0756 (secured transfer of domain names <federalcartridge.net> and <federalcartridge.org>); and (5) *Chef America, Inc. v. Murray*, WIPO Case No. D2000-1481 (Feb. 13, 2001) (secured transfer of domain name <hot-pockets.com>).

*Experience gained by attorney prior to joining Kilpatrick Townsend

Publications, Articles and Speaking Engagements

Golan v. Holder: A Catalyst for Orphan Works Legislation?
The Intellectual Property Strategist, March 01, 2012

Stayin' Alive: An Overview of Copyright Termination
The Intellectual Property Strategist, May 01, 2010

Music Fans May Help Settle the Score in Satriani v. Coldplay Infringement Suit
LJN's Entertainment Law & Finance, April 01, 2009

Internet Branding
Intellectual Property Desk Reference, January 01, 2009

Online Copyright Issues for Websites Offering User-Generated Content
Intellectual Property Desk Reference, January 01, 2009

IP Innovations Class: Recent Developments in Copyright Law
Teleconference, July 10, 2008

Copyright Basics for Musicians: Legal Aspects of the Music Business in the Digital Age
Berklee College of Music, June 15, 2007

From Ringtones to Downloads
Copyright World, June 01, 2007

A Question of Cost: Recent Decisions on the Copyright Act
Copyright World, May 03, 2007

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Protecting IP Rights in Sports
Georgia Bar Entertainment & Sports Law Section, April 30, 2007

Valid and Correct: A Recent US Case Which Challenged the Validity of a Statute
Copyright World, March 01, 2007

Recent Developments in Copyright Law
12th Annual Intellectual Property Law Institute, November 30, 2006

Contributory Liability in the Online Context
Association of Corporate Counsel, November 15, 2006

Is there a TM or Copyright in the World Wide Web?
Hot Topics in Intellectual Property Symposium, February 28, 2006

Trademark Issues in Cyberspace
Kilpatrick Stockton LLP, January 31, 2006

Resolving the Clash Between Trademarks and Domain Names
Intellectual Property Desk Reference, January 01, 2006

Trademarking the Band: Procedures & Pitfalls
Georgia Bar Intellectual Property Section, November 30, 2005

Digital Media Rights
Technology Law Institute, September 30, 2005

The Grokster Case: The Current State of Online Secondary Copyright Liability
April 30, 2005

The Grokster Case: The Current State of Online Secondary Copyright Liability
February 28, 2005

Dancers and Superheroes Meet IP Law
Daily Report, February 28, 2005

Intellectual Property for Entertainment Attorneys
Entertainment Law Boot Camp, October 31, 2004

Resolving the Clash Between Trademarks and Domain Names
Santa Clara Law Review, September 27, 2004

Copyright Basics for Writers
May 31, 2004

Trademark Law for Artists and Entertainers
The Entertainment Law Institute, February 28, 2004

New Media Licensing
Georgia Bar Intellectual Property Section, November 30, 2003

Resolving the Clash Between Trademarks and Domain Names
Santa Clara Law Review, June 15, 2003

Professional & Community Activities

The Copyright Society of the U.S.A., Chairperson of the Southeast Chapter, Member and Trustee

Georgia Volunteer Lawyers for the Arts, Board Member

University of Georgia School of Law, Adjunct Professor of Trademark and Entertainment Law

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Education

University of Virginia School of Law, J.D. (1992)

Princeton University, A.B. (1988)

Bar Admissions

Georgia (1996)

Alabama (1994)

Virginia (1992)

Admissions

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Eleventh Circuit

U.S. District Court for the Northern District of California

U.S. District Court for the Central District of California

U.S. District Court for the Northern District of Georgia

U.S. District Court for the Middle District of Georgia

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Western District of North Carolina

U.S. District Court for the Southern District of Texas

Supreme Court of Georgia

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